

Hon. Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OCEANGATE, INC.,

Plaintiff(s),

v.

DAVID LOCHRIDGE, *et al.*,

Defendant(s).

CASE NO. C18-1083 RAJ

ORDER REGARDING
FRCP 26(f) CONFERENCE,
INITIAL DISCLOSURES,
AND JOINT STATUS REPORT

I. INITIAL SCHEDULING DATES

The Court sets the following initial case scheduling deadlines:

Deadline to Conduct FRCP 26(f) Conference: August 15, 2018

Deadline to Exchange Initial Disclosures
Pursuant to FRCP 26(a)(1)

(Initial Disclosures are not to be filed): August 22, 2018

Deadline to File Combined Joint Status Report
and Discovery Plan as Required by FRCP 26(f)
and Local Civil Rule 26(f):

August 29, 2018

The deadlines above may be extended only by the Court. Any request for an extension of these deadlines should be made by email to Victoria Ericksen, Courtroom Deputy, at victoria_ericksen@wawd.uscourts.gov. The parties who have already appeared in this matter are required to meet and confer before contacting the Court to request an extension.

1 If this case involves claims which are exempt from the requirements of FRCP
2 26(a) and 26(f), please notify Victoria Ericksen, Courtroom Deputy, at
3 victoria_ericksen@wawd.uscourts.gov.

4 II. JUDGE-SPECIFIC PROCEDURAL INFORMATION

5 Counsel and pro se parties are directed to review Judge Jones' chambers
6 procedures at <http://www.wawd.uscourts.gov/judges/jones-procedures>. **Counsel and pro**
7 **se parties are expected to abide by the requirements set forth therein. Failure to do**
8 **so may result in the imposition of sanctions.**

9 Links to Local Rules, Electronic Filing Procedures for Civil and Criminal Cases,
10 court forms, instruction sheets, and General Orders, can be found on the Court's website
11 at www.wawd.uscourts.gov.

12 III. JOINT STATUS REPORT & DISCOVERY PLAN

13 All counsel and any pro se parties are directed to confer and provide the Court
14 with a combined Joint Status Report and Discovery Plan (the "Report") by
15 August 29, 2018. This conference shall be by direct and personal communication,
16 whether that be a face-to-face meeting or a telephonic conference. The Report will be
17 used in setting a schedule for the prompt completion of the case. It must contain the
18 following information by corresponding paragraph numbers:

- 19 1. A statement of the nature and complexity of the case.
- 20 2. A proposed deadline for joining additional parties.
- 21 3. The parties have the right to consent to assignment of this case to a full
22 time United States Magistrate Judge, pursuant to 28 U.S.C. §636(c) and Local Rule MJR
23 13, to conduct all proceedings. The Western District of Washington assigns a wide range
of cases to Magistrate Judges. The Magistrate Judges of this district thus have significant
experience in all types of civil matters filed in our court. The parties should indicate
whether they agree that the Honorable Brian A. Tsuchida may conduct all proceedings
including trial and the entry of judgment. When responding to this question, the parties
should only respond "yes" or "no." Individual party responses should not be provided.

1 A "yes" response should be indicated only if all parties consent. Otherwise, a "no"
2 response should be provided.

3 4. A discovery plan that states, by corresponding paragraph letters (A, B, etc.),
4 the parties' views and proposals on all items set forth in Fed. R. Civ. P. 26(f)(3), which
5 includes the following topics:

- 6 (A) the exchange of initial disclosures;
- 7 (B) subjects, timing, and potential phasing of discovery;
- 8 (C) electronically stored information;
- 9 (D) privilege issues;
- 10 (E) proposed limitations on discovery; and
- 11 (F) the need for any discovery related orders.

12 5. The parties' views, proposals, and agreements, by corresponding paragraph
13 letters (A, B, etc.) on all items set forth in Local Civil Rule 26(f)(1), which includes the
14 following topics:

- 15 (A) prompt case resolution;
- 16 (B) alternative dispute resolution;
- 17 (C) The existence of any related cases pending in this or other
18 jurisdictions and a proposal for how to handle them;
- 19 (D) discovery management;
- 20 (E) anticipated discovery sought;
- 21 (F) phasing of motions;
- 22 (G) preservation of discoverable information;
- 23 (H) privilege issues;
- (I) Model Protocol for Discovery of ESI; and
- (J) alternatives to Model Protocol.

6. The date by which discovery can be completed (**must be at least 120 days
prior to the proposed trial date**).

7. Whether the case should be bifurcated by trying the liability issues before
the damages issues, or bifurcated in any other way.

1 8. Whether the parties intend to utilize the Individualized Trial Program set
2 forth in Local Civil Rule 39.2 or any ADR options set forth in Local Civil Rule 39.1.

3 9. Any other suggestions for shortening or simplifying the case.

4 10. The date the case will be ready for trial. The Court expects that most civil
5 cases will be ready for trial within a year after filing the Joint Status Report and
6 Discovery Plan.

7 11. Whether the trial will be jury or non-jury.

8 12. The number of trial days required.

9 13. The names, addresses, and telephone numbers of all trial counsel.

10 14. The dates on which trial counsel may have complications to be considered
11 in setting a trial date.

12 15. The dates on which each and every non-governmental corporate party filed
13 its corporate disclosure statement pursuant to FRCP 7.1 and LCR 7.1.

14 16. If, on the due date of the Report, all defendant(s) or respondent(s) have not
15 been served, counsel for the plaintiff shall advise the Court when service will be effected,
16 why it was not made earlier, and shall provide a proposed schedule for the required FRCP
17 26(f) conference and FRCP 26(a) initial disclosures.

18 If the parties are unable to agree on any part of the Report, they may answer in
19 separate paragraphs. No separate reports are to be filed.

20 **IV. PLAINTIFF'S RESPONSIBILITY**

21 This Order is issued at the outset of the case, and a copy is sent by the clerk to
22 counsel for plaintiff (or plaintiff, if pro se) and any defendants who have appeared.
23 Plaintiff's counsel (or plaintiff, if pro se) is directed to serve copies of this Order on all
parties who appear after this Order is filed. Such service shall be accomplished within ten
(10) after each appearance. Plaintiff's counsel (or plaintiff, if pro se) will be responsible
for starting the communications needed to comply with this Order.

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V. EARLY SETTLEMENT CONSIDERATION AND NOTIFICATION

If settlement is achieved, counsel shall immediately notify Victoria Ericksen, Courtroom Deputy, at victoria_ericksen@wawd.uscourts.gov.

The parties are responsible for complying with the terms of this Order. The Court may impose sanctions on any party who fails to comply fully with this Order.

DATED: August 1, 2018.

A handwritten signature in black ink, reading "Richard A. Jones", written over a horizontal line.

The Honorable Richard A. Jones
United States District Judge